

REGULAR COUNCIL MEETING

A G E N D A

TOWN OF CHINCOTEAGUE

January 2, 2007 - 7:30 P.M. - Council Chambers - Town Hall

CALL TO ORDER

INVOCATION BY COUNCILMAN HOWARD

PLEDGE OF ALLEGIANCE

OPEN FORUM / PUBLIC PARTICIPATION

AGENDA ADDITIONS/DELETIONS AND ADOPTION:

1. Consider Adoption of the Minutes
 - Regular Council Meeting of December 4, 2006 (Page 2 of 31)
 - Special Council & Planning Commission Workshop Meeting December 5, 2006 (Page 13 of 31)
2. The Public Works Committee Report of December 12, 2006 (Councilman Wolffe) (Page 14 of 31)
3. The Ordinance Committee Report of December 13, 2006 (Councilman Ross) (Page 15 of 31)
The following action by the Committee occurred and will need to be acted upon:
 - Consider Adoption of the Revised Chapter 14, Article II, Division 2, Permit Fees
4. The Budget & Personnel Committee Report of December 19, 2006 (Councilwoman Conklin) (Page 20 of 31)
The following action by the Committee occurred and will need to be acted upon:
 - Consider New Position Descriptions, Water Works Development Specialist
 - Consider Changes in the Mosquito Control Job Description
 - a) Mosquito Control Supervisor
 - b) Mosquito Control Technician
5. Setting the date for a **Public Hearing** to amend the Zoning Ordinance Section 2.96, by adding to the definition of Main Use (Consider for January 18, 2006 Council Meeting) (Page 24 of 31)
6. Setting the date for a **Joint Public Hearing** with the Planning Commission to amend the Zoning Ordinance Section 8.5.2, 11.1.3, 12.1.1 through 12.1.7, by deleting out the rates (Consider for January 18, 2006 Council Meeting) (Page 26 of 31)
7. Judging Results of the Christmas Decorations (Page 31 of 31)
8. Mayor & Council Announcements or Comments
(Note: Roberts Rules do not allow for discussion under comment period)

ADJOURN:

**MINUTES OF THE DECEMBER 4, 2006
CHINCOTEAGUE TOWN COUNCIL MEETING**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Call to Order

Mayor Tarr called the meeting to order at 7:30 p.m.

Invocation

Councilman Ross offered the invocation.

Pledge of Allegiance

Mayor Tarr led the Pledge of Allegiance.

Public Participation

Mr. Jesse Speidel felt that the Town should not hire Springsted, Inc. to search for a Town Planner.

Agenda Additions/Deletions and Adoption

Mayor Tarr requested that "Land Acquisition" be added to agenda item number twenty, Closed Meeting. Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as amended. The motion was unanimously approved.

1. Approval of Minutes of the November 6, 2006 Council Meeting.

Councilman Howard motioned, seconded by Councilman Wolffe, to approve the minutes as presented. The motion was unanimously approved.

2. Public Hearing – Corner Lot Setback Requirements.

The Planning Commission in their October 24 meeting recommended to Council for consideration a proposed zoning change regarding setbacks on corner lots. The proposed change will allow structures on corner lots to be placed fifteen (15) feet from the property line. The current zoning requirement is twenty-five (25) feet.

Mayor Tarr opened the public hearing.

- Mr. Jim DeMarco stated that he is in favor of the proposed setbacks on corner lots.
- Mayor Tarr closed the public hearing after hearing no further comments.

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to amend Sections 3.6.5, 3.9.5, 4.3.5 and 4.6.5 – Corner Lots, item (2) wording as: *“The side yard setback abutting a street, road, right-of-way, or easement shall be 15 feet for both main and accessory structures”*. The motion was unanimously approved.

3. Harbor Committee Report of October 11, 2006.

Councilman Howard stated that Harbor Master, Mr. Wayne Merritt, updated the Committee on the recent boat ramp repair and the upcoming dredging of the Harbor. He added that the progress of the restroom project and a conceptual plan for a commercial boat dock were also discussed.

Councilman Howard motioned, seconded by Councilwoman Richardson, to approve the minutes as presented. The motion was unanimously approved.

Councilman Howard announced that the next meeting will be on January 10 at 7:30 pm.

4. Cemetery Committee Report of October 24, 2006.

Councilman Howard stated that the Committee approved the Cemetery Cleanup message that was recently advertised. He added that the Committee also approved a Proclamation declaring November 12-18 as Cemetery Cleanup Week. Councilwoman Richardson stated that Mr. “Woose” Reed’s father’s name was Mr. William Reed and that it was incorrectly stated as Mr. Thomas Reed in the Cemetery Cleanup message that was advertised.

Councilwoman Conklin motioned, seconded by Councilman Ross, to approve the minutes as corrected. The motion was unanimously approved.

Councilman Howard announced that the next meeting will be on January 23.

5. Safety Advisory and Transportation Committee Report of November 2, 2006.

Mayor Tarr stated that the Committee was briefed on the upcoming rocket launch from Wallops Island. He added that Emergency Operations Coordinator, Mr. Bryan Rush, updated the Committee with his Emergency Management Report.

Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

6. Ordinance Committee Report of November 8, 2006.

- **Adoption of Revised Ordinance: Chapter 22 – Environment, Article II – Noise**
Town Attorney Poulson explained that there have been problems in the past with enforcement of the Ordinance by the courts due to the language of the previous Noise Ordinance. He requested that he be given time to review the proposed Ordinance with Staff and return to Council with a recommendation for the January 2, 2007 Council meeting.

Councilman Ross motioned, seconded by Vice Mayor Speidel, to postpone action on the matter until the January 2, 2007 Council meeting. The motion was unanimously approved.

7. Recreation and Community Enhancement Committee Report of November 9, 2006.

Vice Mayor Speidel stated that in the meeting, Police Chief Lewis recommended that two 4' by 8' sheets of plywood be placed adjacent to the Skate Park to be used for graffiti which will potentially prohibit vandalism at the park.

Councilman Wolffe motioned, seconded by Councilman Howard, to approve the minutes as presented. The motion was unanimously approved.

- **Skate Park Experimental Project to Potentially Eliminate Vandalism**

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to authorize Police Chief Lewis to place two 4' by 8' sheets of plywood adjacent to the Skate Park to be used for graffiti. The motion was unanimously approved.

8. Public Works Committee Report of November 14, 2006.

Councilman Howard motioned, seconded by Vice Mayor Speidel, to approve the minutes as presented. The motion was unanimously approved.

- **Water Meter Request: 3570 Main Street** – Councilman Wolffe explained that there were two meters at that address in the past, but that there is only one there now. He added that the customer now wishes to restore the meter at no charge. Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the reinstatement of the second water meter to 3570 Main Street and to waive the \$3,600 availability fee, but to charge the meter connection fee of \$550. The motion was unanimously approved.

Mayor Tarr instructed Town Manager Ritter to research the Water Ordinance for the proper procedure for handling policy discrepancies such as the one in the situation discussed above.

9. Planning Commission Reports.

- **Regular October 24, 2006 Meeting** – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.
- **Special November 14, 2006 Meeting** – Councilman Wolffe motioned, seconded by Councilwoman Conklin, to approve the minutes as presented. The motion was unanimously approved.
- **Scheduling of a Date for a Public Hearing to Amend Zoning Ordinance Section 2.96, by Adding to the Definition of Main Use** – Town Attorney Poulson explained the correction to the wording for the proposed ordinance. He recommended that the proposed zoning amendment be added as a separate section of the Zoning Ordinance instead of as an addition to the definition of Main Use.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to advertise for and hold a public hearing at the January 2, 2007 Council meeting to amend the Zoning Ordinance as drafted by Town Attorney Poulson. The motion was unanimously approved.

10. *New Position Description: Technology Specialist.*

Councilman Howard motioned, seconded by Councilman Wolffe, to send the matter back to the Budget and Personnel Committee for review. The motion was unanimously approved.

11. *New Position Description: Water Works Development Specialist.*

Councilman Howard motioned, seconded by Councilman Wolffe, to send the matter to the Budget and Personnel Committee for review.

Ayes – Conklin, Howard, Wolffe, Tarr

Nays – Richardson, Ross, Speidel

The motion was carried.

12. *Water Tank Contract for Engineering Services with Whitman, Requardt and Associates.*

Public Works Director Cosby explained that during the cleaning and painting of the water storage facilities, the contractors discovered that the roof and rafters at the ground storage tank were structurally damaged. He further explained that he preferred to have Whitman, Requardt and Associates provide the design services due to their demonstrated reliability as opposed to the uncertainty involved with having the low bidder furnish design and construction services.

Councilman Howard motioned, seconded by Councilman Wolffe, to award the water tank engineering services to Whitman, Requardt and Associates in the amount of \$25,500. The motion was unanimously approved.

13. *Wastewater Study Contract with Wastewater Management, Inc.*

Town Manager Ritter explained that the Public Works Committee has conducted interviews with four engineering firms for their services for a wastewater study. He further explained that a proposal was received from Wastewater Management, Inc. in the amount of \$60,000 for Phase I.

Councilman Wolffe motioned, seconded by Councilman Howard, to award the wastewater study contract to Wastewater Management, Inc. in the amount of \$60,000 for Phase I. The motion was unanimously approved.

14. *VDOT Resolution for Land Use Permit.*

Councilwoman Richardson motioned, seconded by Councilwoman Conklin, to adopt the following resolution for a Land Use Permit. The motion was unanimously approved.

**RESOLUTION
OF THE TOWN COUNCIL OF THE TOWN OF CHINCOTEAGUE**

WHEREAS, it becomes necessary from time to time for the Town of Chincoteague to obtain permits from the Virginia Department of Transportation to install, construct, maintain and operate certain public works and public utilities projects along, across, over and upon highway systems of the Commonwealth of Virginia; and

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to the Town of Chincoteague by the Virginia Department of Transportation of said permits for the work aforesaid;

NOW, THEREFORE, BE IT RESOLVED by the Town Council this 4th day of December 2006:

Section 1: That per the provisions of Section 1.064 of the Land Use Permit Manual of the Virginia Department of Transportation, the Town of Chincoteague does hereby grant assurances to the Virginia Department of Transportation that it shall in all respects comply with all of the conditions of the permit or permits that have been, or will be, granted to the Town of Chincoteague and that said jurisdiction does hereby certify that it will carry liability insurance for personal injury and property damage that may arise from the work performed under permit and/or from the operation of the permitted activity as follows: up to one million dollars (\$1,000,000) each occurrence to protect the Commonwealth Transportation Board members and Department's agents or employees; seventy-five thousand dollars (\$75,000) each occurrence to protect the Board, Department or the Commonwealth in the event of suit.

Section 2: That the Town Mayor or his designee be, and hereby is, authorized to execute on behalf of the Town of Chincoteague all Land Use Permits and related documents of the Virginia Department of Transportation.

Section.3: That this resolution shall be continuing resolution and shall not be revoked unless and sixty (60) days written notice of any proposed revocation be submitted to the Virginia Department of Transportation.

Section 4: That the Town of Chincoteague shall, if requested by the Virginia Department of Transportation, furnish or shall require its contractors to furnish to the Virginia Department of Transportation a performance bond, guarantee fee or irrevocable letter of credit in a minimum amount of ten thousand dollars (\$10,000) to cover the performance of the permitted work.

BE IT STILL FURTHER RESOLVED that the Mayor be, and hereby is, authorized and directed to procure the insurance required by Section 1 above.

John H. Tarr, Mayor

Attest:

Robert G. Ritter, Jr., Town Manager

15. Hiring of Springsted, Inc. to Assist in Planner Search.

Town Manager Ritter explained that the Planner position was advertised and that several applications have been received. He further explained that there were no applicants that met the criteria described in the job description. Town Manager Ritter requested that Springsted, Inc. assist in the search for a Town Planner at an approximate cost of \$7,000-9,000.

It was the consensus of Council to have Town Manager Ritter re-advertise the position and to have Town Manager Ritter and/or the Budget and Personnel Committee re-examine the job description. Mayor Tarr advised that any changes in the job description needed to be approved by Council.

16. Resolution to Add Vice Mayor Speidel to All Bank Accounts.

Councilwoman Richardson motioned, seconded by Councilman Ross, to adopt the following Banking Resolutions to include Vice Mayor Speidel's name on the Town's bank accounts. The motion was unanimously approved.

BANKING RESOLUTION

Financial Institution: Mercantile Peninsula Bank

Chincoteague Branch
6402 Maddox Boulevard
P. O. Box 7
Chincoteague Island, VA 23336

Account No: XX-XXXXX-X
XX-XXXXX-X

I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006 at which a quorum was present and voting, the following resolution was adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this

Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X _____
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X _____
Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.

X _____
Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation’s accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent’s personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in

continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on December 4, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

x _____
*CLERK OF COUNCIL

x _____
*MAYOR, TOWN OF CHINCOTEAGUE

BANKING RESOLUTION
Financial Institution: Shore Bank

Chincoteague Branch
6350 Maddox Boulevard
P.O. Box 504
Chincoteague Island, VA 23336

Account No: XX-XXXXXX-X
XX-XXXXXX-X

I, the undersigned Clerk of the Town of Chincoteague, HEREBY CERTIFY that the Corporation is organized and existing under and by virtue of the laws of the state of **Virginia** as a municipal corporation with its principal office at **6150 Community Drive, Chincoteague Island, VA 23336** and that **Town of Chincoteague, Inc.** is the complete and correct name of the Account Holder.

I FURTHER CERTIFY that at a meeting of the Town Council of the Town of Chincoteague, duly and regularly called and held on December 4, 2006, at which a quorum was present and voting, the following resolution was adopted:

RESOLVED, that the Financial Institution named above at any one or more of its offices or branches, be and it hereby is designated as a depository for the funds of this Corporation, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies bearing the following appropriate number of signatures: Any **one** (1) of the following named officers or employees of this Corporation (“Agents”), whose actual signatures are shown below:

X _____
John H. Tarr, Mayor of Town of Chincoteague, Inc.

X _____
Robert G. Ritter, Town Manager of Town of Chincoteague, Inc.

X _____
Anita Speidel, Vice Mayor of Town of Chincoteague, Inc.

and that the Financial Institution shall be and is authorized to honor and pay the same whether or not they are payable to bearer or to the individual order of any Agent or Agents signing the same.

FURTHER RESOLVED, that the Financial Institution is hereby directed to accept and pay without further inquiry any item drawn against any of the Corporation's accounts with the Financial Institution bearing the signature or signatures of Agents, as authorized above or otherwise, even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and the Financial Institution shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed in accordance with the resolutions contained herein, or the application or disposition of such items or the proceeds of the item.

FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by this Corporation for deposit with the Financial Institution, or for collection or discount by the Financial Institution; and to accept drafts and other items payable at the Financial Institution.

FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to, special depository agreements and arrangements regarding the manner, conditions, or purposes for which funds, checks or items of the Corporation may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions. The other agreements and other acts may not be contrary to the provisions contained in this Resolution.

FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remain in full force and effect until written notice of any amendment or revocation thereof shall have been delivered to and received by the Financial Institution at each location where an account is maintained. Financial Institution shall be indemnified and held harmless from any loss suffered or any liability incurred by it in continuing to act in accordance with this resolution. Any such notice shall not affect any items in process at the time notice is given.

I FURTHER CERTIFY, that the persons named above occupy the positions set forth opposite their respective names and signatures; that the foregoing Resolutions now stand

of record on the books of the Corporation; that they are in full force and effect and have not been modified in any manner whatsoever.

IN TESTIMONY WHEREOF, I have hereunto set my hand on December 4, 2006 and attest that the signatures set opposite the names listed above are their genuine signatures.

CERTIFIED TO AND ATTESTED BY:

X _____
*CLERK OF COUNCIL

X _____
*MAYOR, TOWN OF CHINCOTEAGUE

17. *Christmas Home Decoration Judging.*

Mayor Tarr informed that the judging will be held on December 19 by anonymous judges who do not reside on the Island. He directed Town Manager Ritter to advertise for the event.

18. *Cancellation of Regular Council Meeting Scheduled for December 21, 2006.*

Councilman Wolffe motioned, seconded by Councilwoman Richardson, to cancel the regular Council meeting scheduled for December 21. The motion was unanimously approved.

19. *Mayor and Council Announcements or Concerns.*

- Councilwoman Conklin announced that the Budget and Personnel Committee will meet on December 19 at 5:30 pm.
- Councilwoman Richardson asked who was liable [in the case of an accident] if poles were placed in the Commonwealth's right-of-way. Town Attorney Poulson responded that the party who placed the poles in the right-of-way is responsible.
- Vice Mayor Speidel wished everyone a Merry Christmas.
- Councilman Ross requested information about the meeting held regarding event [storm] gates. Mayor Tarr responded that the Town will participate in the project after more information is received.
- Councilman Wolffe requested that in preparation for the upcoming Budget and Personnel Committee that Town Manager Ritter consider the Technology Specialist position as a part-time position as well as full-time.
- Councilman Howard commended Police Chief Lewis and the Police Department on their efforts with raising funds for the needy families in the community.
- Mayor Tarr announced that the employees' award ceremony will be on December 15 at 3:00 pm. He also wished everyone a Merry Christmas.

20. Closed Meeting in Accordance with Section 2.2-3711(A)(1) of the Code of Virginia for Discussion of Personnel Matters and Possible Land Acquisition.

Councilman Howard motioned, seconded by Councilwoman Richardson, to convene a closed meeting under Section 2.2-3711(A)(1) of the Code of Virginia to discuss personnel matters and possible land acquisition. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to reconvene in regular session. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Richardson, to adopt a resolution of certification of the closed meeting.

WHEREAS, the Chincoteague Town Council has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711(A)(1) of the Code of Virginia requires a certification by this Town Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Chincoteague Town Council hereby certifies that to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Town Council.

VOTE: Ayes- Conklin, Howard, Richardson, Ross, Speidel, Wolffe
Nays- None
Absent- None

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on January 2, 2007 at 7:30 pm. Councilman Wolffe motioned, seconded by Councilman Howard, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

**MINUTES OF THE DECEMBER 5, 2006
CHINCOTEAGUE TOWN COUNCIL WORKSHOP MEETING
WITH THE CHINCOTEAGUE PLANNING COMMISSION**

Council Members Present:

John H. Tarr, Mayor
Anita Speidel, Vice Mayor
Nancy B. Conklin, Councilwoman
Terry Howard, Councilman
Ellen W. Richardson, Councilwoman
E. David Ross, Councilman
Glenn B. Wolffe, Councilman

Planning Commission Members Present:

Ray Rosenberger, Chairman
Bob Behr
Tom Derrickson
Jane Wolffe

Planning Commission Members Absent:

Mollie Cherrix
Ray Daisey

Call to Order

Mayor Tarr called the meeting to order at 7:00 p.m.

Agenda Additions/Deletions and Adoption

Councilman Howard motioned, seconded by Vice Mayor Speidel, to adopt the agenda as presented. The motion was unanimously approved.

1. Redman/Johnston Presentation of the Draft Comprehensive Plan.

Messrs. Redman and Johnston presented the draft Comprehensive Plan. They explained each of the following eight sections of the Plan:

- Introduction
- Community Profile
- Goals and Objectives
- The Land Use Plan
- Economic Development
- Community Facilities
- Transportation
- Housing

Council encouraged the public to review the draft Plan. Mayor Tarr stated that copies of the draft Plan will be available in the Town Office or may be viewed on the Town's website.

Adjournment of Meeting

Mayor Tarr announced that the next meeting will be on January 2, 2007 at 7:30 pm. Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting. The motion was unanimously approved.

Mayor

Town Manager

Public Works Committee Meeting
12 December 2006
MINUTES

Chairman Wolffe called the meeting to order at 5:30 pm.

Present: Hon. Glenn Wolffe, Chairman
 Hon. John Tarr
 Hon. Terry Howard

 Mr. Michael Cosby
 Mr. Robert Ritter
 Mr. David Ross
 Mr. Ray Rosenberger

Public Participation – None.

Mr. Tarr requested that the agenda be amended by adding another request to item number three. Mr. Wolffe motioned to accept agenda and amendment, which was seconded by Mr. Howard. The motion was approved.

1. Consider approval of the November 14, 2006 Minutes. These minutes were approved by Town Council at the December 4, 2006 meeting.
2. Director's report. Mr. Cosby updated the Committee on the status of several projects and issues.
3. Consider requests to waive water usage rates for two nonprofit organizations. Mr. Wolffe moved to waive water usage rates for up to 40,000 gallons per month for the Parks and Recreation organization facility at 4180 School Street. Mr. Howard seconded and the motion was approved. Mr. Tarr motioned to waive water usage rates for up to 40,000 gallons per month for the Eastern Shore Agency on Aging and Community Action organization facility on Church Street. Mr. Howard seconded. The motion was approved with Mr. Wolffe abstaining.
4. Procedures for consideration of requests and appeals. A discussion of the procedure for considering requests and appeals was held. Only a few situations are specifically addressed by the Town Code and it was generally agreed that staff and the Public Works Committee should handle these situations unless they became recurrent problems.
5. Committee member comments. None.

Mr. Howard moved to adjourn the meeting at 6:20 pm. Mr. Tarr seconded and the motion was approved.

The next meeting is scheduled for Tuesday, January 9, 2007 at 5:30 pm.

Ordinance Committee Meeting
December 13, 2006
MINUTES

Chairman Ross called the meeting to order at 5:34 pm.

Present: Hon. David Ross, Chairman
 Hon. Nancy Conklin
 Hon. Terry Howard

Mr. Rob Ritter, Town Manager

Councilwoman Conklin motioned, seconded by Councilman Howard, to adopt the agenda as presented. The motion was unanimously approved.

1. Adoption of the Revised Ordinance: Chapter 14, Article II, Division 2, Permit Fees. Town Manager Ritter explained why the ordinance needed to be changed and explained to the Committee where the changes occurred in the Ordinance. It was mentioned by the Committee members that the change in the Ordinance would simplify the budget process each year, by possibly eliminating the step of changing the ordinance each year, if the fee changes in the budget process.

Councilman Ross motioned, seconded by Councilwoman Conklin, to approve the revised Ordinance: Chapter 14, Article II, Division 2, Permit Fees, and to recommend that the revised Ordinance be sent to Council for consideration. The motion was unanimously approved.

Councilman Howard motioned, seconded by Councilwoman Conklin, to adjourn the meeting at 5:50 pm. The motion was unanimously approved.

The next meeting is tentatively scheduled for Wednesday, January 10, 2007 at 5:30 pm.

Chapter 14

BUILDINGS AND BUILDING REGULATIONS*

Article I. In General

Secs. 14-1—14-25. Reserved.

Article II. Building Code

Division 1. Generally

Sec. 14-26. Enforcement of Uniform Statewide Building Code.
Secs. 14-27—14-55. Reserved.

Division 2. Permit Fees

Sec. 14-56. Established.
Sec. 14-57. Exceptions
Sec. 14-58. ~~Refunds.~~ **Repealed.**
Secs. 14-59—14-85. Reserved.

Article III. Unsafe Buildings

Sec. 14-86. Removal, repair or securing of buildings and other structures.
Sec. 14-87. Buildings exempt from Uniform Statewide Building Code.

***Charter references**—Regulation of buildings, ch. 2, § 1(22), (25); issuance of building permits in conformity with town plan, ch. 3, §§ 6, 7.

Cross references—Environment, ch. 22; fire prevention and protection, ch. 26; floods, ch. 30; solid waste, ch. 46; streets, sidewalks and other public places, ch. 50; building numbers, § 50-176 et seq.; utilities, ch. 62; vegetation, ch. 66; waterways, ch. 70; zoning, app. A; land subdivision and development, app. B.

State law references—Access to and use of buildings by handicapped, Code of Virginia, § 2.1-517; removal, repair, etc., of buildings and other structures, Code of Virginia, § 15.2-906 et seq.; light, ventilation, sanitation and use and occupancy of buildings, Code of Virginia, § 15.2-1117; limitation of prosecutions of building code violations, Code of Virginia, § 19.2-8; Virginia Industrialized Building Safety Law, Code of Virginia, § 36-70 et seq.; Uniform Statewide Building Code, Code of Virginia, § 36-97 et seq.; effect of building code on other building regulations, Code of Virginia, § 36-98; enforcement of building code, appeals from decisions of local building department, inspection of buildings, Code of Virginia, § 36-105; voluntary apprenticeship, Code of Virginia, § 40.1-117 et seq.; contractors, Code of Virginia, § 54.1-1100 et seq.; local licensing of certain contractors, Code of Virginia, § 54.1-1117.

ARTICLE I. IN GENERAL

Secs. 14-1—14-25. Reserved.

ARTICLE II. BUILDING CODE

DIVISION 1. GENERALLY

Sec. 14-26. Enforcement of Uniform Statewide Building Code.

The town shall enforce the Uniform Statewide Building Code in the town and shall provide its own inspectors. (Code 1977, § 5-1)

State law reference—Enforcement of Uniform Statewide Building Code, Code of Virginia, § 36-105.

Secs. 14-27—14-55. Reserved.

DIVISION 2. PERMIT FEES

Sec. 14-56. Established.

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

~~—— (a) —— For all new construction of noncommercial buildings and structures, the fee shall be \$0.18 per square foot or fraction thereof, but not less than \$80.00.~~

~~—— (b) —— For all remodeling and/or alteration of noncommercial buildings and structures, the fee shall be \$0.13 per square foot or fraction thereof, but not less than \$60.00.~~

~~—— (c) —— For all commercial buildings and structures requiring a building permit under the Uniform Statewide Building Code, the fee shall be \$10.00 per 100 square feet or fraction thereof.~~

~~—— (d) —— In addition to any fee required under this section, there shall be a fee of \$5.00 for each plumbing fixture installed; however, in no event shall the total fee required under this subsection be less than \$10.00. This subsection shall apply only to commercial, business and industrial buildings.~~

~~—— (e) —— For the construction of residential or commercial roof framing, the fee shall be \$2.00 per 100 square feet or fraction thereof.~~
~~(Code 1977, § 5-2; Ord. of 3-14-1994, § 5-2 a-d; Ord. of 5-17-2001, § 5-2 e)~~
~~(Amended ???/07.)~~

Sec. 14-57. Exceptions.

No building permit fee shall be required for the following:

BUILDINGS AND BUILDING REGULATIONS

- (1) ~~Farm structures located on a farm that will not be used for residential purposes. This subsection shall not apply to such structures where the use is intended to provide storage, processing, packing or other services where the public is charged a fee. **Repealed.**~~
- (2) Structures or buildings owned by a nonprofit organization, approved by the United States Internal Revenue Service, or local, state or federal governments. A building permit is still required.
- (3) ~~A detached accessory building of 150 square feet or less. A zoning permit is still required. **Repealed.**~~
- (4) ~~A sign under 16 square feet. A zoning permit is still required. **Repealed.**~~
- (5) ~~Demolition of a structure. Demolitions do require a building permit before any demolition takes place. **Repealed.**~~
- (6) ~~Relocating a structure on the same lot upon which it was originally located. A building permit is still required. **Repealed.**~~
- (7) A fence. A zoning permit is still required.
- (8) ~~Re-roofing. **Repealed.**~~

(Code 1977, § 5-2; Ord. of 4-01-1991 (4); Ord. of 11-5-1990 (5); Ord. of 12-03-1990 (6-7); Ord. of 5-17-2001 (8))

(Amended ???/??/07.)

Sec. 14-58. Refunds. ~~Repealed.~~

~~Refunds of building permit fees shall be made in accordance with the following:-~~

- ~~—— (1) — If no work has commenced on the project within 12 months of permit issuance, the refund shall be 75 percent of the amount paid.~~
- ~~—— (2) — If no work has commenced on the project within 18 months of permit issuance, the refund shall be 50 percent of the amount paid.~~
- ~~—— (3) — If no work has commenced on the project after 18 months of permit issuance, no refund shall be made.~~
- ~~—— (4) — If only the foundation and footing has been installed and inspected, the refund shall be 75 percent of the amount paid.~~
- ~~—— (5) — If the foundation and the shell of the structure has been constructed and inspected, the refund shall be 25 percent of the amount paid.~~

~~———— (6) ——— If any construction beyond the shell of the structure has been completed, no refund shall be made.~~

~~———— (7) ——— No refund shall be made if a permit becomes inactive due to expiration.
(Code 1977, § 5-2; Ord. of 6-25-1992 § 5-2 (1-7))~~

**MINUTES OF THE DECEMBER 19, 2006
BUDGET AND PERSONNEL COMMITTEE MEETING**

Chairwoman Conklin called the meeting to order at 5:30 pm.

Members Present

Hon. Nancy B. Conklin, Chairwoman
Hon. Anita W. Speidel
Hon. Glenn B. Wolffe

Others Present

Rob Ritter, Town Manager
Mike Cosby, Public Works Director

Vice Mayor Speidel motioned, seconded by Councilman Wolffe, to adopt the agenda. The motion was unanimously approved.

1. New Position Description, Water Works Development Specialist.

Public Works Director Cosby explained the need for the position. He further explained that the funds are currently available for the part-time position.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to recommend to Council that a part-time Water Works Development Specialist position be created and filled. The motion was unanimously approved.

2. New Position Description, Technology Specialist.

Town Manager Ritter explained the need for the position. He further explained from where he thought the funds would be obtained for the position. Councilman Wolffe suggested that a part-time position be considered instead of a full-time position.

It was the consensus of the Committee to have Staff investigate several questions that required more research and return to the next Committee with the answers.

3. Changes in the Mosquito Control Job Description.

A) Mosquito Control Supervisor – Public Works Director Cosby explained that he would like to establish a part-time supervisory position, hence the need for the job description.

B) Mosquito Control Technician – Public Works Director Cosby explained the changes in the current Technician job description.

Councilman Wolffe asked if the proposed added positions would be an added expense to the Town. Public Works Director Cosby responded that they would not.

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to approve the changes in the job descriptions mentioned above and to recommend the amended descriptions to Council for approval. The motion was unanimously approved.

Adjournment

Councilman Wolffe motioned, seconded by Vice Mayor Speidel, to adjourn the meeting. The motion was unanimously approved.

WATERWORKS DEVELOPMENT SPECIALIST

GENERAL DEFINITION OF WORK:

Performs complex professional and administrative work maintaining the quality of operations of the Town Waterworks: does related work as required. Part-time work which is performed under the general supervision of the Director of Public Works.

This is sedentary work requiring the exertion of up to 10 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects; work requires climbing, crouching, reaching, standing, walking, fingering, grasping, and repetitive motions: vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels; visual acuity is required for preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities: the worker is subject to inside and outside environmental conditions, extreme cold, noise, hazards and atmospheric conditions.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Planning, monitoring and development of waterworks operations and projects; providing technical training and guidance to Town staff; maintaining records and files; preparing reports.

Monitors and helps maintain quality and efficiency of waterworks operations;
Develops and executes training and development activities for Town staff;
Assists in the design of projects, including bid specifications and bid packages;
Participates in the selection of private contractors for services;
Makes field inspections of projects to ensure quality control;
Prepares a variety of correspondence concerning waterworks operations;
Assists and advises Town staff in the preparation of required reports and permits;
Participates in the review and establishment of operating policies and procedures;
Assists in the development of department budget and capital improvement planning;
Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Comprehensive knowledge of the methods and techniques used in the operation, maintenance, rehabilitation and construction of waterworks facilities; thorough understanding of technical and environmental issues involved in the planning, design and operation of a public water supply system; ability to design and implement departmental training program; ability to review and analyze plans and specifications for the construction of waterworks facilities; ability to develop comprehensive operational policies and procedures; ability to prepare technical reports.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from an accredited college or university with major course work in civil engineering or related field and extensive experience in a responsible position in the waterworks field.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Possession of a Class II Waterworks Operator license issued by the Commonwealth of Virginia.

MOSQUITO CONTROL SUPERVISOR

GENERAL DEFINITION AND CONDITION OF WORK:

Provides supervision of mosquito control operations and performs skilled work in the application of chemicals to eradicate mosquitoes; does related work as required. Part-time, seasonal work is performed under regular supervision of Public Works Director.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects: work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, and repetitive motions: vocal communication is required for expressing or exchanging ideas by means of the spoken word: hearing is required to perceive information at normal spoken word levels: visual acuity is required for depth perception, color perception, night vision, peripheral vision, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities: the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards atmospheric conditions, and oils.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Supervising mosquito control operations; spraying areas to eradicate mosquitoes and other insects, maintaining equipment; maintaining records and files, preparing reports.

Participates in the recruitment and selection of mosquito control technicians;

Provides technical and safety training for mosquito control technicians;

Responds to citizen complaints;

Tracks mosquito populations; counts mosquitoes at various locations;

Researches and evaluates various mosquito control methods;

Checks standing water areas for mosquito larvae;

Performs drainage inspections;

Schedules and supervises drainage, source reduction and other mosquito control related activities;

Assists in the scheduling of aerial sprays and coordinates aerial spray notification procedures;

Operates fogging equipment on designated routes;

Develops fogging routes and schedules;

Mixes and stores chemicals according to specifications;

Monitors inventory levels;

Orders supplies according to established purchasing policies;

Performs maintenance on equipment; ensures proper calibration of equipment;

Keeps records of activities;

Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Thorough knowledge of the safe methods to chemically eradicate insects; thorough knowledge of the use of chemical pesticides; ability to establish and maintain effective working relationships with staff and the general public; ability to understand and carry out oral and written instructions; ability to operate vehicles safely in residential neighborhoods.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from high school and considerable experience in mosquito control.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Possession of a Pesticide Applicator certificate, Category B Public Health Pest Control, issued by the Commonwealth of Virginia.

MOSQUITO CONTROL TECHNICIAN

GENERAL DEFINITION AND CONDITION OF WORK:

Performs intermediate semiskilled work in the application of chemicals to eradicate mosquitoes; does related work as required. Part-time, seasonal work is performed under regular supervision.

This is medium work requiring the exertion of 50 pounds of force occasionally, up to 20 pounds of force frequently, and up to 10 pounds of force constantly to move objects: work requires climbing, balancing, stooping, kneeling, crouching, crawling, reaching, standing, walking, pushing, pulling, lifting, fingering, grasping, feeling, and repetitive motions: vocal communication is required for expressing or exchanging ideas by means of the spoken word: hearing is required to perceive information at normal spoken word levels: visual acuity is required for depth perception, color perception, night vision, peripheral vision, preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, use of measuring devices, assembly or fabrication of parts at or within arms length, operation of machines, operation of motor vehicles or equipment, determining the accuracy and thoroughness of work, and observing general surroundings and activities: the worker is subject to inside and outside environmental conditions, extreme cold, extreme heat, noise, vibration, hazards atmospheric conditions, and oils.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Spraying areas to eradicate mosquitoes and other insects, maintaining equipment; maintaining records; performing drainage and other mosquito reduction activities.

Responds to citizen complaints;

Tracks mosquito populations; counts mosquitoes at various locations;

Checks standing water areas for mosquito larvae;

Performs drainage work, source reduction and other mosquito control tasks;

Operates fogging equipment on designated routes;

Handles and applies chemicals according to specifications;

Performs maintenance on equipment; ensures proper calibration of equipment;

Keeps records of activities;

Performs related tasks as required.

KNOWLEDGE, SKILLS AND ABILITIES:

Thorough knowledge of the safe methods to chemically eradicate insects; thorough knowledge of the use of chemical pesticides; ability to establish and maintain effective working relationships with staff and the general public; ability to understand and carry out oral and written instructions; ability to operate vehicles safely in residential neighborhoods.

EDUCATION AND EXPERIENCE:

Any combination of education and experience equivalent to graduation from high school and the ability to obtain required certification prior to mosquito season.

SPECIAL REQUIREMENTS:

Possession of an appropriate driver's license valid in the Commonwealth of Virginia. Possession of a Pesticide Applicator certificate, Category 60 Registered Tech, issued by the Commonwealth of Virginia.

MEMORANDUM

To: Mayor & Town Council

From: Robert Ritter, Town Manager

Date: December 28, 2006

Subject: Proposed Zoning Amendment

The Planning Commission reviewed your request to look at the building of boathouses and open-sided structures on waterfront properties. At the last Council meeting of December 4, 2006, Council decided to allow the Town's Attorney to write the proper language for a public hearing. Once we received the language we did not have time to advertise. If it is the Council's desire a motion can be to consider setting a public hearing for the next Council meeting of January 18, 2007 for the following:

Amend Section 2.96 by adding the following paragraphs to the definition of Main Use

A dock, including a boat lift(s), used in conjunction with the main use of a lot or structure, which is in compliance with all applicable County, State, and Federal regulatory and statutory provisions and permitted by all required agencies, is a secondary, incidental or accessory use or structure.

A gazebo-type structure erected on a lot, the specific location of which is not subject to the jurisdiction of the Accomack County Wetlands Board, the Virginia Marine Resource Commission, and/or the United States Army Corps of Engineers, and used in conjunction with the main use of a lot or permitted building is a secondary, incidental or accessory use or structure.

Add the following section to Article VI. General Provisions

SECTION E. OPEN-SIDED SHELTER ROOFS, OPEN-SIDED ROOF TO SHELTER A SINGLE BOAT SLIP OR BOAT LIFT, AND GAZEBO-TYPE STRUCTURES

Sec. 6.8. Open-sided shelter roofs, open sided roof to shelter a single boat slip and/or boat lift, and gazebo-type structures.

Sec.6.8.1 Open-sided roof structures to shelter a single boat slip and/or boat lift, and gazebo-type structures as defined in §28.2-1203.A.5 of the Code of Virginia of 1950, as amended, may be constructed and/or maintained on any dock, pier, or platform in any zoning district as a matter of right,

subject to §28.2-1203.A.5. No such structure(s) on any such dock, pier and/or platform shall exceed a combined coverage or area of four hundred square feet (400 sf.) No such permitted structure shall exceed twelve feet (12ft.) in height and shall have a roof pitch no greater than 2/12. No special exception or use shall be granted by the Board of Zoning Appeals for any such structure not complying with such size and design limitations, nor shall the Board of Zoning Appeals grant any special exception or use for any open-sided shelter roof structure as defined in §28.2-1203.A.5.

MEMORANDUM

THE TOWN OF CHINCOTEAGUE, INC.

To: Mayor & Town Council

From: Robert Ritter, Town Manager

Date: December 28, 2006

Subject: Proposed Zoning Amendment

Please consider setting the date for a **Joint Public Hearing** with the Planning Commission to amend the Zoning Ordinance Section 8.5.2, 11.1.3, 12.1.1 through 12.1.7, by deleting out the rates (Please consider for January 18, 2006 Council Meeting)

8.5.2. Appeals and applications for a variance or special exception requiring an advertised public hearing shall be accompanied by payment ~~for \$150.00~~ **established by the town council** payable to the treasurer.

(Ord. of 11-4-1996; Ord. of 5-1-2000)

(Amended ??/??/07)

Sec. 8.6. Procedure on application or appeal.

The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within 90 days of the filing of the application or appeal. In exercising its powers the board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision or determination appealed from. The concurring vote of at least four of the members of the board shall be necessary to reverse any order, requirement, decision or determination of an administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variance from this ordinance. The board shall keep minutes of its proceedings and other official actions which shall be filed in the office of the board and shall be public records. The chairman of the board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

(Ord. of 4-7-1997)

State law reference—Similar provisions, Code of Virginia, § 15.2-2312.

Sec. 8.7. Certiorari to review decision of board.

8.7.1. Any person or persons jointly or severally aggrieved by any decision of the board of zoning appeals, or any aggrieved taxpayer or any officer, department, board or bureau of the town, may present to the circuit court for the county a petition specifying the grounds on which aggrieved within 30 days after the filing of the decision in the office of the board.

8.7.2. Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the board of zoning appeals and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and on due cause shown, grant a restraining order.

8.7.3. The board of zoning appeals shall not be required to return the original papers acted upon by it but it shall be sufficient to return certified or sworn copies thereof or of the portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

8.7.4. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a commissioner to take evidence as it may direct and report the evidence to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, may be fined up to \$500.00. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continued or permitted by such person and shall be punishable as herein provided.

ARTICLE XI. AMENDMENTS

Sec. 11.1. Provisions regarding amendments.

The regulations, restrictions and boundaries established in this ordinance may, from time to time, be amended, supplemented, changed, modified or repealed by a favorable majority of votes of the governing body; provided:

11.1.1. That a public hearing shall be held in relation thereto at which parties in interest and citizens shall have an opportunity to be heard.

11.1.2. That notice shall be given of the time and place of such hearings by publication in at least two issues of some newspaper with a six-day publication span having a general circulation in the jurisdiction. Such notice shall specify the time and place of hearing at which persons affected may appear and present their views, not less than six days nor more than 21 days after final publication. After enactment of any such plan, ordinance or amendment, further publication thereof shall not be required.

11.1.3. Any amendment proposal requiring an advertised public hearing shall be accompanied by payment in the amount of ~~\$150.00~~ **established by the town council.**
(Amended ??/??/07)

11.1.4. That changes shall be made by the governing body in the zoning ordinance or the zoning map only after such changes have been referred to the planning commission for a report. Action shall be

taken by the governing body only after a report has been received from the planning commission, unless a period of 30 days has elapsed after date of referral to the commission, after which time it may be assumed the commission has approved the change or amendment.

11.1.5. Any subject matter once denied by the governing body shall not again be presented within a period of six months from the date of denial.
(Ord. of 5-1-2000)

ARTICLE XII. ADMINISTRATION AND INTERPRETATION*

Sec. 12.1. Fees.

The town council shall establish a schedule of fees and charges for building and zoning permits and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

(Amended ??/??/07)

~~12.1.1. General. There is a standard fee of \$150.00 to file an appeal which shall include applications for a variance or special exception with the Board of Zoning Appeals.~~

~~12.1.2. Zoning fees.~~

~~(1) The fee for a proposed rezoning shall be \$150.00~~

~~(2) The petitioner shall be responsible for all cost relating to vacating any subdivision plat or any part thereof.~~

~~12.1.3. Transcript fees.~~

~~(1) The fee for transcripts shall be \$.50 per page.~~

~~12.1.4. Conditional Use Fee:~~

~~(1) The fee for a conditional use application shall be \$1,500.00. The Town Manager shall have the authority to waive, in whole or in part, such fee.~~

(Amended 05-03-04)

~~12.1.5. Exceptions.~~

~~(1) No fee for zoning permits shall be required for structures or buildings owned by a nonprofit organizations, approved by the United States Internal Revenue Service, local, state, or federal governments. Fees for requests for zoning amendments, rezoning and appeals shall apply. A building permit is still required for such construction.~~

~~(2) No fee shall be required for a any detached structure of 150 square feet or less. A zoning permit shall be required.~~

~~_____ (3) _____ No fee shall be required for a sign under 16 square feet. No fee shall be required for the placement of banners. A permit shall be required.~~

~~_____ (4) _____ No fee shall be required for demolition of a structure. Demolitions do require a building permit before any demolition takes place.~~

~~_____ (5) _____ No fee shall be required for moving a structure on the same lot. A building permit is required if larger than 150 square feet. A zoning permit is required if smaller than 150 square feet.~~

~~_____ (6) _____ No fee shall be required for a fence. A zoning permit shall be required.~~

~~_____ 12.1.6. Mobile home park fees.~~

~~_____ (1) _____ For any site or tract of land upon which there is to be located four to 25 mobile homes, the fee shall be \$1,000.00.~~

~~_____ (2) _____ For any site or tract of land upon which there is to be located 26 to 40 mobile homes, the fee shall be \$2,000.00.~~

~~_____ (3) _____ For any site or tract of land upon which there is to be located 41 or more mobile homes, the fee shall be \$5,000.00.~~

~~_____ 12.1.7. Travel trailer park fees.~~

~~_____ (1) _____ For any site or tract of land upon which there is to be located up to 25 travel trailers, the fee shall be \$500.00.~~

~~_____ (2) _____ For any site or tract of land upon which there is to be located 26 to 49 travel trailers, the fee shall be \$1000.00.~~

~~_____ (3) _____ For any site or tract of land upon which there is to be located 50 or more travel trailers, the fee shall be \$2,000.00.~~

~~(Ord. of 1-3-1996; Ord. of 11-4-1996, Ord or 5-1-2000)~~

Sec. 12.2. Enforcement by zoning administrator.

This ordinance shall be enforced by the zoning administrator. The zoning administrator shall serve and be compensated in accordance with the employee handbook of the Town of Chincoteague.

Sec. 12.3. Exemptions.

Nothing contained herein shall require any change in the plans or construction of any building or structure for which a permit was granted prior to the effective date of this ordinance. However, such construction must commence within 30 days after this ordinance becomes effective. If construction is discontinued for a period of six months, the provisions of this ordinance for the district in which the operation is located shall be adhered to.

ADDENDUM 2

~~There shall be a charge for the examination and approval or disapproval of both a preliminary and final plat reviewed by the zoning administrator or the planning commission. At the time of filing the preliminary or final plat, the subdivider shall deposit with the agent, checks payable to the Chincoteague Town Treasurer in the amount of \$500.00 per plat and \$10.00 for each lot for a subdivision containing 11 or more lots; if the subdivision contains less than 11 lots, the charge shall be \$200.00 per plat and \$10.00 per each lot.~~

EXAMPLES

~~Minor Subdivision~~

~~Two lots: \$200.00 + \$ 20.00 = \$220.00~~

~~Five lots: \$200.00 + \$ 50.00 = \$250.00~~

~~Ten lots: \$200.00 + \$100.00 = \$300.00~~

~~Major Subdivision~~

~~Eleven lots: \$500.00 + \$110.00 = \$610.00~~

~~Thirty lots: \$500.00 + \$300.00 = \$800.00~~

The town council shall establish a schedule of fees and charges for subdivision reviews for each submitted plat and related costs. Such schedule of fees and charges shall be posted in the office of the building and zoning administrator and may be amended only by action of the town council upon recommendation of the budget and personnel committee.

(Amended ??/??/07)



WINNERS OF THE ANNUAL CHRISTMAS DECORATIONS

BEST OVERALL APPEARANCE*

Kevin Krome and Steve Potts

MOST ILLUMINATED*

Ray and Nancy Rosenberger

MOST FESTIVE*

Arlene Shreves

MOST CREATIVE*

Alfred "Dino" and Sharon Johnson

HONORABLE MENTION

Chris and Stephanie Montross
Bill and Ginger Birch

*Each category winner will receive a \$100 savings bond